

## **RECORD OF PROCEEDINGS**

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<b>CALL TO ORDER</b>	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, January 25, 2010 at 7:00 p.m.
<b>ATTENDANCE</b>	Council Members present: Scott Belt, Lynne Branigan, Melissa Head, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
<b>CONSENT AGENDA</b>	Branigan and Walsh moved and seconded the approval of the consent agenda regarding Items 3A through Item 3E. Unanimous. Motion by Belt, second by Schultz, to approve Item 3F of the consent agenda. Voice Vote: 4 Ayes; 1 Abstention (Head).
<b>PUBLIC HEARINGS</b> Resolution 10-22	Held Public Hearing, instituting proceedings to take additional action for the authorization of a loan agreement and the issuance of not to exceed \$4,000,000 General Obligation Refunding Capital Loan Notes, Series 2010A. Belt and Schultz moved and second approval. Unanimous.
Ordinance 6046	Held Public Hearing, amending Chapter 13.21 entitled "Property Maintenance Code", by adding a new Section 13.21.086 entitled "Residential Occupancies" which amends the International Property Code Section 602.2, and also deleting Section 13.21.090 entitled "Heat Supply" which deletes the International Property Maintenance Code Section 602.3. Belt and Schultz moved and seconded approval. Heard from Carla Limmer, 3010 Avenue J, speaking against the title change. Belt and Branigan moved to receive and file documents from Ms. Limmer. Unanimous. Walsh noted the verbiage "electrical heating appliances" didn't make sense and added the change made from the first proposal was to simplify the definition. Belt indicated the primary heat source has to be able to get to 65°. Heard Roger Wahl, 20585 Greenview Road, speaking against the title change. Schultz mentioned the Ordinance is set for primary heat sources that can reach 65° and added it creates a minimum standard of living and he feels the amendment accomplishes the goal. Heard from Meghann Youngblood, 3510 Ramelle, speaking against the amendment. Schultz mentioned the Ordinance is for residential occupancies where the primary heat source creates a minimum standard of 65°. Belt noted the primary source needs to get to 65° and secondary heat sources can be used after that if desired. Wade noted the bulk of inspections on this issue would be the result of a complaint which most likely wouldn't be initiated by the tenant. Heard from Michael Limmer, 1727 7 <sup>th</sup> Avenue, speaking against the amendment as presented and asked who would be enforcing the ordinance? Belt and Branigan moved and seconded to receive and file a newspaper article presented by Mr. Limmer. Unanimous. Belt indicated the concern is for people and their living conditions. Belt and Schultz moved and second approval; motion by Belt, second by Schultz, amending the Ordinance by deleting the word "electric" from Section 602.2 to read as "Cooking appliances". Walsh indicated the amendment was due to the result of a conversation with the Landlord Association and there would be more information provided before the third reading and added, landlords have the responsibility to provide the primary heating unit. Belt mentioned energy companies notify landlords when shut-off notices are issued and also pointed out, it's a fundamental issue that the primary heat source, either gas or electric has the ability to reach 65°. Unanimous. Vote on original motion as amended. Unanimous.
Ordinance 6048	Held Public Hearing, establishing tap-on fees for the East 29 <sup>th</sup> Avenue Sanitary Sewer Extension as authorized in Chapter 5.25 "Tap-on Fees". Belt and Schultz moved and seconded approval. Unanimous.
Resolution 10-23	Held Public Hearing, granting final plat approval for a subdivision to be known as CVS Addition. Heard from Larry Jobeun, 11440 West Center Road, representing Orange Development. Branigan and Head moved and seconded approval. Unanimous.

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### **ORDINANCES ON FIRST READING**

Ordinance 6047

Walsh and Belt moved and seconded, amending Title 17 entitled "Housing", by amending Section 17.01.010 entitled "Definitions" by amending Subsection #28 entitled "Rental Property". Heard from Carla Limmer, 3010 Avenue J, speaking against the amendment regarding the definition of rental property. Walsh indicated the title change was an attempt to describe what a rental property was; it's either owner occupied or non-owner occupied. Belt and Schultz moved and seconded to receive and file documents from Ms. Limmer. Unanimous. Heard from Roger Wahl, 20585 Greenview Road regarding the amendment, mentioning some families live in homes rent free. Walsh noted on the first version of the Ordinance, there were between five to ten exceptions of which family was not included, and added the Ordinance was refined to say if you live in the home but someone else owns it you're a tenant, non-owner occupied is a tenant. Schultz added this was the simplest definition and easy to understand and added the rental fee is \$15.00. Heard from Meghann Youngblood, 3510 Ramelle and Mike Limmer, 1727 7<sup>th</sup> Avenue both speaking against the amendment. Mr. Limmer asked why the definition was being changed. Walsh indicated it was changed to more easily define the following: if you own a property and have people living in it, even if they're not paying rent, they're a tenant. Voice Vote: 4 Ayes; 1 Nay (Head).

Ordinance 6049

Walsh and Belt moved and seconded, amending Chapter 2.08 "Schedule of Fees", by amending Section 2.08.070 "Parks and Recreation Fees and Charges". Motion by Walsh, second by Belt, to amend the golf outing weekend fee to \$35.00 and \$29.00 for weekday outing fees. Unanimous. Vote on original motion as amended. Unanimous.

Ordinance 6050

Belt and Branigan moved and seconded, amending Chapter 9.34.030 "Emergency Snow Routes", Mayor Hanafan mentioned announcing "snow awareness" in advance of the season for areas designated as snow emergency routes. Unanimous.

### **RESOLUTIONS**

Resolution 10-24

Belt and Walsh moved and seconded, adopting the 2010 City Council Rules of Procedure. Motion by Branigan, second by Belt, to amend the rules by changing the following: move Rule #4 to Rule #3 since both rules were the same and re-number the rules from #1 through #12 and switch numbers 10 and 11 on Rule #3 which correlates with the order of the current agenda schedule. Unanimous. Original motion as amended. Voice Vote: 4 Ayes; 1 Nay (Schultz).

Resolution 10-25

Branigan and Belt moved and seconded, designating "The Daily Nonpareil" as the official newspaper for the City of Council Bluffs. Unanimous.

Resolution 10-26

Belt and Branigan moved and seconded, authorizing the Mayor to execute the real estate contract to acquire property located at 1028 Creek Top as part of the Mid-City Corridor Project. Unanimous. An Executive Session was held on January 11, 2010 regarding this item.

Resolution 10-27

Walsh and Branigan moved and seconded, authorizing and directing the Mayor to sign the Iowa West Foundation Grant Award Letter of Agreement. Unanimous.

Resolution 10-28

Belt and Branigan moved and seconded, intent to dispose of a small piece of City property located on the north side of Lake Manawa by transferring it to the Iowa Department of Natural Resources and to authorize the Mayor to enter into a Management and Title Transfer Agreement with the Iowa Department of Natural Resources and setting a Public Hearing for February 8, 2010 at 7:00 p.m. Unanimous.

Resolution 10-29

Belt and Branigan moved and seconded, authorizing the Mayor to execute Addendum #2009-6-185A to Agreement #2009-6-185 with the Iowa Department of Transportation and the Iowa West Foundation regarding the West Broadway Viaduct Reconstruction. Unanimous.

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- Resolution 10-30                      Belt and Head moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with Charles Vrana & Sons Construction Company for the Fire Station Bridge Crossing Indian Creek. Unanimous.
- Resolution 10-31                      Belt and Walsh moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with Proto Productions for the American Travels the Rail Project. Unanimous.
- Resolution 10-32                      Schultz and Belt moved and seconded, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Kwik Shop #532, 1602 Avenue G, for a violation of Iowa Code Section 453A.2(1). Unanimous.
- Resolution 10-33                      Belt and Schultz moved and seconded, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Haro, Inc., d/b/a Mexico Lindo, 2200 West Broadway, for a violation of Iowa Code Section 453A.2(1). Unanimous.
- Resolution 10-34                      Belt and Head moved and seconded, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Harrah's Casino and Hotel, One Harrah's Boulevard, for a second violation of Iowa Code Section 453A.2(1). Unanimous.
- Resolution 10-35                      Belt and Schultz moved and seconded, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Atherton Automotive Service, 2900 West Broadway, for a violation of Iowa Code Section 453A.2(1). Unanimous.
- Resolution 10-37                      Belt and Branigan moved and seconded, approving and authorizing the Form of Loan and Disbursement Agreements, Tax Exemption Certificate, Forgivable Loan Disbursement Agreement, Delivery Certificate and Transcript Certificate and Loan Note, by and between the City of Council Bluffs and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$375,000 Sewer Revenue Capital Loan Notes, Series 2010, of the City of Council Bluffs, under the provision of the Code of Iowa, and providing for a method of payment of said notes. Unanimous.
- Resolution 10-38                      Belt and Branigan moved and seconded, approving and authorizing the Form of Loan and Disbursement Agreements, Tax Exemption Certificate, Forgivable Loan and Disbursement Agreement, Delivery Certificate, Transcript Certificate and Loan Note, by and between the City of Council Bluffs and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$945,000 Sewer Revenue Capital Loan Notes, Series 2010, of the City of Council Bluffs, Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of said notes. Unanimous.
- MAYOR'S  
APPOINTMENTS**                      Walsh and Belt moved and concurred with the Mayor's recommendation by reappointing the following regarding Item 7A (1-6). 7A1. Mary Lastrup and Leota McManus to the Community Development Advisory Commission, terms expiring December 31, 2011; 7A2. James Hearty to the Board of Electrical Examiners, term expiring September 1, 2013; 7A3. Calvin Petersen and Phyllis Otto to the Historic Preservation Commission, terms expiring December 31, 2012; 7A4. David Christiansen to the Local Board of Health, term expiring December 31, 2012; 7A5. Dorothy Carpel-Burleigh to the Housing Board of Appeals, term expiring January 1, 2015; 7A6. Bob Parrott and Loren Anthony to the Board of Mechanical Appeals, terms expiring September 23, 2012 and by appointing the following regarding Item 7B (1, 2). 7B1. Susannah Go to the Civil Rights Commission, term expiring August 1, 2012; 7B2. Melissa Head to the Enterprise Zone Commission, term expiring June 30, 2011. Unanimous.

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### **RECEIVE & FILE ITEMS**

Belt and Walsh moved and seconded the approval of Receive and File Items regarding 8A thru 8E. 8A. Two (2) Notices of Claim; 8B. Cash Balance Statement, December 31, 2009; 8C. List of Bills, December 31, 2009; 8D. One (1) Notice of Right of Redemption; 8E. Three (3) Salvage Yard License Applications. Unanimous.

### **APPLICATIONS FOR PERMITS & CANCELLATIONS**

Schultz and Walsh moved and seconded, denying the liquor license regarding Item 9A (1). Goofy's, 807 South 21<sup>st</sup> Street. Walsh noted the Council recommended denying the liquor license a year ago due to numerous violations and calls to the facility. Now one year later the renewal is before us again and the situation hasn't improved enough to warrant issuing the license. Heard from Ed Rutledge, 1325 23<sup>rd</sup> Avenue, owner of Goofy's, requesting approval of Goofy's' liquor license. Walsh mentioned spending hours reviewing reports and videos but still sees ongoing problems and can't approve the license renewal. Heard from Aaron Rodenburg, 607 South Main Street, Attorney, representing the owner's of Goofy's, referencing the Administrative Code. Motion by Belt, second by Branigan, to receive and file TIP's certification forms. Unanimous. Heard from Tom Fitzpatrick, 4522 Parker Street, Omaha, and security manager from Goofy's. Schultz requested the date of when the TIP's training took place for ten other individuals employed at Goofy's. Mr. Fitzpatrick indicated training began April of 2009 and the test and certification was held on January 17, 2010. With many hours of review Branigan noted she didn't come to the decision lightly but felt it would in the best interest of the City to deny the license. Head mentioned she'd spent time with Mr. Rutledge and the Police Department reviewing the issue at hand, but holds the Police Department's recommendation in high regard; if the situation were different she may have voted another way. Voice Vote: 4 Ayes; 1 Nay (Belt).

Belt and Walsh moved and seconded approval of Beer/Wine & Liquor Permits regarding Items 9A (2-7). 9A2. Andrew's Lounge, 1210 North 25<sup>th</sup> Street; 9A3. Glass Front, 1510 South Sixth Street; 9A4. The Filling Station, 1531 2<sup>nd</sup> Avenue; 9A5. Hampton Inn @ Ameristar, 2204 River Road; 9A6. Lightning Bowl, 105 North 12<sup>th</sup> Street; 9A7. Westwood Golf Course, 421 Harrah's Boulevard. Unanimous.

### **ADJOURNMENT**

Belt and Branigan moved and seconded adjournment at 8:51 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

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Thomas P. Hanafan,

Mayor

ATTEST:

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Marcia L. Worden,

City Clerk

**CALL TO ORDER** A Special Phone Conference meeting of the Council Bluffs City Council was called to order by Mayor Pro-tem, Scott A. Belt, on Thursday, January 28, 2010 at 2:00 p.m.

<b>RESOLUTION</b> Resolution 10-22A	Belt and Branigan moved and seconded approval, fixing the date for the sale of not to exceed \$3,745,000 (subject to increase or decrease) not to exceed \$4,000,000 General Obligation Refund Capital Loan Notes, Series 2010A, and approving electronic bidding procedures. Unanimous.
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Marcia L. Worden, City Clerk